

York County Courthouse Site Selection Commission

Meeting Minutes For October 31, 2016

Present: Assoc. Justice Thomas E. Humphrey, Kathryn Slattery, D.A., Sheriff William L. King, Jr., Senator Linda Valentino, Representative Anne-Marie Mastraccio, Rep. Robert Foley, Justice Wayne Douglas, Judge Jeffrey Moskowitz, John Webb, Esq., James T. Glessner, Tom Dunham, Senator Ron Collins, Commissioner Gary Sinden, Kathy Jones, Ken Marass, Esq., Amy Fairfield, Esq., Chief Jo-Ann Putnam, David Lavway, Sherry Edwards, Jeff Henthorn, Mary Ann Lynch, Phil Johnston

Next meeting: Friday, November 4, 2016, 3:00 p.m., at York County Superior Court Library

The meeting took place in the large courtroom in the York County Courthouse and began with the Commissioners introducing themselves to the public in attendance. Senator Valentino then made a motion, which was seconded by Representative Mastraccio, to accept the minutes from all of the Commission's prior meetings (8-1-16; 9-1-16; 9-19-16; 10-3-16; and 10-12-16). Following discussions, the minutes of all of the previous meetings were unanimously approved without amendment. It is noted that Commissioners Lavway and Webb abstained from the vote only as to the minutes of August 1, 2016, because neither attended that meeting.

The Commission then heard presentations from the each of the three owners or owner's designees regarding the sites that remain under consideration and are designated on the Commission's property list as Sites #2 (Layman Way, Alfred, ME); #15 (511-515 Elm Street, Biddeford, ME); and #17 (60 Barra Road, Biddeford, ME).

1. Site #2. York County Manager Greg Zinser made a presentation regarding Site #2 in Alfred, which is adjacent to the York County Jail facility. Mr. Zinser indicated that this site offered the Judicial Branch a "continued partnership with the County", and noted that the jail, the DA and the Sherriff are all a part of the necessary services that should be located on one campus with the court. He reported that "transit services are in the works to connect Sanford and Biddeford to the

Alfred site.” Mr. Zinser also observed that “we all smelled the jail septic system at the last site visit.” The county had been unaware of the situation and has taken remedial action to repair the problem. He said that it is now a nonissue.

Mr. Zinser said the topography of the property is pretty flat and should only require a “cut & fill” to accommodate a courthouse. He distributed handouts, which depicted a mock-up of optional entrances to the premises from either Layman Way or Route 4. Senator Valentino asked whether adjacent properties on Route 4 are for sale and, if so, their price. Mr. Zinser responded that he felt it was premature to make such an inquiry of the property owners, and that it might be more appropriate for the Judicial Branch to do that.

Senator Valentino also reported that she had been contacted by a former County Commissioner, who indicated a belief that the County had purchased the Layman Road land for use by the county, and that the County could not give it away for a noncounty use. Mr. Zinser was not aware of any such restriction on the property, except a five-year right to harvest, which has since expired, and he is not aware of any other restriction on the use of property or the County Commissioners right to transfer the property to the Judicial Branch.

Attorney Fairfield asked whether there is a right to hook up to water and sewer to service site #2. Mr. Zinser replied in the affirmative as to water, but noted that an existing sewer line is 2 to 3 miles away, so the court would likely need an engineered septic system. Representative Mastraccio asked about the need for a cistern on the premises. Mr. Zinser said that one is not needed for the jail facility, but he could not comment on a courthouse structure of four or five stories and whether it is needed for fire protection. Chief Putnam asked if a natural gas connection is located near site #2. Mr. Zinser said that there is no gas service available to the property and noted that the propane system they use at the jail is fine.

2. Site #15. Biddeford Economic Development Director Daniel Stevenson made a presentation regarding Site #15 on Elm Street in Biddeford, which is owned by the city and approximately 1.3 miles from the Biddeford entrance/exit of the Maine Turnpike. Mr. Stevenson said the lot is 12.8 acres with an additional 15-acre lot in the rear, which could be used for additional road access. The site is 5 acres of open field with the remainder wooded, and no zoning change is required to accommodate a courthouse facility.

He reported that the MDOT did road improvements in recent years and the site is stubbed for water and sewer; however, an on-site storm water collection system would have to be installed. A natural gas line is located one-third to one-half mile away and extension costs could in the range of \$60–\$100 a foot. He also estimated that it would cost \$15,000 to bring high-speed fiber to the site.

Finally, Mr. Stevenson noted that the cities of Biddeford and Saco, combined, have a population of 40,000 people, and the City of Biddeford supports a courthouse at either Biddeford location under consideration—Site #15 (Elm Street) or Site #17 (Barra Road).

3. Site #17. David Gould, a partner in the Barra Road development group, made a presentation regarding Site #17 on Barra Road in Biddeford, and distributed a handout about the property. He said the property is an 11 acres site within a developed campus-like professional business park, and the majority of its occupants are in the medical field. It is proximate to a walking trail with access to the YMCA and the Eastern trail. It is also on a regularly scheduled bus route and there are 8 scheduled bus stops every day. Mr. Gould noted that no zoning change is required for a courthouse facility, and the site is “shovel-ready”; that is, all utilities are on site: water, gas, sewer, fiber and electric, and a new pumping station is ¼ mile away. There is a hotel within the development park ¼ mile away from site #17. As to the topography of the property, there is some hilly areas and ledge; however, Mr. Gould said that on nearby properties ledge

was an asset because it was ground on site and used for fill. The wildlife habitat assessment for the property is complete, and most of the topography has been detailed. The property is and approximately 1.1 miles from the Biddeford entrance/exit of the Maine Turnpike. It is also approximately 300 to 400 yards from the Maine Turnpike, as the crow flies, and is visible from the turnpike.

The Commission then heard from members of the public:

1. Attorney B.J. Broder of Old Orchard Beach, a practicing attorney in York County spoke in support of the Alfred site location. He said that a Biddeford location will be harder to access for the people in rural areas, such as Parsonfield, to get to court. In his view, Alfred is the “more fair” decision. He also noted that the District Attorney’s office should be located within or near the Court; expressed a concern that the plan for 300 parking spaces may be insufficient; but acknowledged that Route 111 “is dreadfully dangerous”.
2. Attorney Harry Center, with ties to Old Orchard Beach and Biddeford, is a practicing attorney in York County and spoke in support of either Biddeford site location. He questioned how anyone could justify putting a courthouse in a location that is “the most inconvenient for the most people”. As to the County’s prisoner transportation costs, he offered that many of the criminal defendants who appear in York County courts only get a transport from the jail at their initial appearance, and that most people in both criminal and civil cases have to travel a good distance to get to Alfred. He also mentioned that a large number of people involved in civil matters—particularly those involving landlord-tenant, small claims, child protective and family cases—will be affected by having to travel to Alfred.
3. Attorney Susan Driscoll, with ties to the areas of Biddeford, Old Orchard Beach, Kennebunk and Saco, is a practicing attorney in York County and also spoke in favor of either Biddeford site location. Attorney Driscoll said that she is a former President of the York County Bar Association, and that her practice takes her to all four York County Courthouses and beyond to Portland and other courthouses in the state. She reported that lawyers she has spoken to all urge that a courthouse not be located

in Alfred. She acknowledged that no location will work for everyone, but the consensus is to locate a courthouse on the turnpike corridor where the majority of the population is. In her view, it does not make sense to make the courthouse location the least accessible for the largest number of people. "The clear choice is to put the courthouse in Biddeford." She concluded that either Biddeford location would be great, and the Barra Road site would be outstanding.

4. Attorney Gene Libby of Kennebunk, is a practicing attorney in York County, a former York County District Attorney and a former member of the York County Budget committee. He spoke in favor of the Alfred site location. Attorney Libby currently serves as attorney for the York County Commissioners, but stated that he is speaking in his private capacity. He said that the clear majority of the court's work involves criminal matters and that locating the new courthouse next to the jail makes sense. In his view, the costs to the County will be staggering if the courthouse is located in either Biddeford location. He noted that Alfred was chosen to be the County's Shiretown a long time ago because it was "equi-distant" to most areas of the County.
5. John Sylvester, of Alfred, was a former Selectman of Alfred. Mr. Sylvester said the courthouse should be located in Alfred because all of the residents of the County, including the Northern and Western areas, have just as much right to equal access to the government. He noted that, when the County was building the current York County Jail, it obtained a grant to finance the installation of a system to bring water to the jail facility, and he suggested that perhaps a grant might also be available to bring water to the courthouse. He also noted that there have been a number of upgrades to route 111 in recent years to facilitate travel to Alfred from Biddeford and other coastal areas.
6. George Donovan, of Alfred, is the current Chairman of the Alfred Board of Selectmen. Chairman Donovan said that the courthouse location issue is really a matter of money, and that locating the courthouse in Biddeford could result in a ½ million a year cost increase to the County's budget. He described his life-long ties to Alfred and noted that his grandfather was among those who worked on the construction of the existing County Courthouse in Alfred.

At the close of the public comment period, the Chair noted the time and indicated that it was too late to begin serious deliberations. It was decided to adjourn to the next scheduled meeting date, Friday, November 4, 2016 at 3:00 p.m. Sherriff King reported that he will be away and unable to attend the meeting in-person; however, he said he could participate by phone. The Chair noted that arrangements will be made for the Sheriff to participate by phone. Before adjourning, Senator Valentino urged that, before the next meeting, all Commissioners take time to complete their individual evaluation worksheets for scoring the site selection criteria for each of the three sites.

The meeting was then adjourned.